

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRENDAN MATHIS,

Plaintiff,

vs.

ALLSTATE FINANCIAL SERVICES CORP.,

Defendant.

Case No. 2:10-cv-02139-RLH-PAL

**ORDER**

(Mtn to Withdraw - Dkt. #16)

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #16) filed December 30, 2010. Fineman Krekstein & Harris, P.C. and Richard J. Perr seek to withdraw as counsel of record for Defendant Allstate Financial Services Corporation ("Defendant"). The Motion represents that counsel was retained by Defendant's insurance companies, St. Paul Fire and Marine Insurance Company ("St. Paul") and Travelers Casualty and Surety Company of America ("Travelers"), to represent Defendant in this case. Defendant has allegedly failed to cooperate in handling the claims that are the subject of this lawsuit, and St. Paul and Travelers have withdrawn coverage for the claims. St. Paul and Travelers have made multiple attempts to contact Defendant, but Defendant has not responded. Counsel has attempted to facilitate Defendant retaining the firm on an individual basis, but has received no contact from Defendant. To date, counsel has not obtained authorization from Defendant to proceed with its representation. Furthermore, counsel is not licensed to practice law in Nevada.

Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." The Complaint (Dkt. #1) in this case was filed June 9, 2010, in the District of New Jersey. This case was transferred to this district on December 9, 2010.

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Having reviewed and considered the matter, and for good cause shown,

**IT IS ORDERED:**

1. The Motion to Withdraw as Counsel of Record (Dkt. #16) is GRANTED.
2. Because Defendant is a corporation, it may not appear in this action except through counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Defendant shall have until **February 4, 2011**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
3. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
4. The Clerk of Court shall serve a copy of this Order on Plaintiff at:  
Allstate Financial Services, Inc.  
1050 East Flamingo Rd., Suite E-320  
Las Vegas, NV 89119

Dated this 4th day of January, 2011.

  
PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE